

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

BRUCE PERRONE, et al.,

Plaintiffs,

v.

CIVIL ACTION NO. 2:24-cv-00434

CHAIRMAN CHARLOTTE R. LANE,
in her official capacity, et al.,

Defendants.

SCHEDULING ORDER

The Court has reviewed the parties' Federal Rule of Civil Procedure 26(f) report. The Scheduling Conference previously scheduled for November 1, 2024, is **CANCELED**.

Pursuant to Fed. R. Civ. P. 16(b) and Local Rule of Civil Procedure 16.1(e), it is accordingly **ORDERED** that this case shall proceed as follows:

1. **Amendments and Joinder**: The amendment of any pleading and the joinder of any party shall be completed no later than **November 15, 2024**.
2. **Discovery**: The parties shall serve all discovery requests by **May 5, 2025**, and complete all depositions by **June 19, 2025**. The last date to complete depositions shall be the "discovery completion date" by which all discovery, including disclosures required by Federal Rule of Civil Procedure 26(a)(1), (2), and (b)(5), but not disclosures required by Federal Rule of Civil Procedure 26(a)(3), shall be completed. Pursuant to Local Rule 26.1(c), the Court adopts and approves the agreements of the parties with respect to limitations on discovery (numbers of interrogatories, requests for admissions, and depositions).

3. **Expert Witnesses:** The party bearing the burden of proof on an issue shall make the disclosures of information required by Fed. R. Civ. P. 26(a)(2)(A) and (B) for that issue to all other parties or their counsel no later than **April 18, 2025**. The party not bearing the burden of proof on an issue shall make the disclosures required by Fed. R. Civ. P. 26(a)(2)(A) and (B) for that issue to all other parties or their counsel no later than **May 19, 2025**. All parties shall provide the disclosures required by Fed. R. Civ. P. 26(a)(2)(A) and (B) if the evidence is intended solely to contradict or rebut evidence on the same issue identified by another party under Fed. R. Civ. P. 26(a)(2)(B), no later than **June 5, 2025**.

4. **Summary Judgment and Other Dispositive Motions:** All dispositive motions, except those under Rule 12(b), together with depositions, admissions, documents, affidavits, or other such matter in support thereof, shall be filed and served by **July 9, 2025**, with responses due by **July 23, 2025**, and replies due by **July 30, 2025**. Any motion must be supported by a memorandum of law at the time filed or submitted. If any motion, memorandum in support, response, or reply, inclusive of all attachments, exceeds fifty (50) pages in length, a hard copy of such materials shall be submitted to the presiding District Judge at the time of filing.

5. **Settlement Meeting:** No later than **September 9, 2025**, the parties and their lead trial counsel shall meet and conduct negotiations looking toward the settlement of the action, and counsel will be prepared at the pretrial conference to certify that they have done so. Counsel for the plaintiffs shall take the initiative in scheduling the settlement meeting, and all other counsel shall cooperate to effect such negotiations. Any mediation scheduled by the parties must be concluded no later than the settlement meeting date. If the action is not settled during the settlement meeting or mediation session, and if there is no order or stipulation to the contrary,

counsel and unrepresented parties shall make all Rule 26(a)(3) disclosures at the conclusion of the meeting or session.

6. **Motions in Limine:** All motions in limine shall be filed and served by **September 16, 2025**, with responses due by **September 23, 2025**.

7. **Proposed Integrated Pretrial Order:** The plaintiff portion of the proposed integrated pretrial order shall be submitted to opposing counsel by **September 15, 2025**, who shall then prepare and complete the opposing portion thereof and submit the proposed integrated pretrial order, signed by all counsel, to the Court for entry no later than **September 22, 2025**. The proposed integrated pretrial order, signed by all counsel and unrepresented parties, shall set forth the matters listed in Local Rule of Civil Procedure 16.7(b).

8. **Pretrial Conference:** A pretrial conference shall be held at **10:00 a.m. on October 16, 2025**, at which lead trial counsel shall appear fully prepared to discuss all aspects of the case.

9. **Proposed Findings of Fact and Conclusions of Law:** The original and one copy of proposed findings of fact and conclusions of law on substantive theories of recovery or defense and damages shall be exchanged and submitted to the undersigned by **October 21, 2025**. On that same date, the respective submissions shall also be provided to the undersigned on compact disc saved in Word compatible format or emailed to chambers according to instructions provided by the Court's law clerk.

10. **Trial:** Trial of this action shall be held at **9:00 a.m. on October 28, 2025**, before the undersigned. Trial will commence upon completion of jury selection in any other case scheduled for this date. This case is presently the first case on the trial docket for that week.

11. **Failure to Appear or Negotiate:** Should lead trial counsel fail to appear at any pre-trial conference or otherwise fail to meet and confer in good faith with opposing counsel as required in paragraph 5 above, or should a party or his authorized representative fail to appear or be available at any conference or otherwise fail to meet and confer in good faith as required in paragraph 5 above, appropriate sanctions may be imposed, including, but not limited to, sanctions by way of imposition of attorney fees against the attorney and/or his client pursuant to Fed R Civ P Rule 16(f).

All proceedings shall be held by the Court at the Robert C. Byrd United States Courthouse, 300 Virginia Street, East, Charleston West Virginia.

The dates listed above are summarized in the following table:

Deadline	Date
Amending the pleadings or joining parties	11/15/2024
Last date to serve discovery requests	05/05/2025
Opening Rule 26 expert disclosures	04/18/2025
Responsive Rule 26 expert disclosures	05/19/2025
Rebuttal Rule 26 expert disclosure	06/05/2025
Discovery to close	06/19/2025
Dispositive motions deadline	07/09/2025
Response to dispositive motion	07/23/2025
Reply to response to dispositive motion	07/30/2025
Settlement meeting	09/09/2025
Motion in limine deadline	09/16/2025
Responses for motions in limine	09/23/2025
Proposed pretrial order to defendant	09/15/2025
Integrated pretrial order	09/22/2025
Pretrial conference	10/16/2025 10:00 AM
Proposed findings of fact and conclusions of law due	10/21/2025

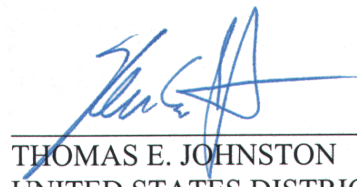
Trial

10/28/2025 9:00 AM

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: October 30, 2024



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE